

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, October 3, 2012**  
**10 a.m.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: September 20, 2012**

**RE: Closed Session of the Board to be held on October 3, 2012**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

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**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. COSTCO WHOLESALE CORPORATION, 11-R1D3-0869
2. FOXFIRE CONSTRUCTORS, INC., 11-R5D1-2521
3. SEAL SCIENCE, INC., 11-R3D1-2895

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. 12072 TRASK INC. DBA PACIFIC HAVEN HEALTH CARE CNTR,  
12-R6D2-1616 AND 1617

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2. A. AGYAN DBA DELIGHT OF FRANCE BAKERY & BISTRO, 11-R6D2-3316 THROUGH 3318
3. ACS COMPUTER SYSTEMS INC., 12-R3D3-1907 AND 1908
4. ADM MILLING COMPANY, 12-R4D2-1502
5. AG CONSTRUCTION, 12-R6D2-1647
6. AMERICAN AIRLINES, INC., 11-R6D2-1793 THROUGH 1795
7. ANGELES CONTRACTORS INC., 11-R6D2-2475 THROUGH 2477
8. ANITSA INC. DBA VALET SERVICES LAUNDRY, 12-R6D2-1044 THROUGH 1048
9. ANNIE'S BAKERY CAFÉ, 11-R6D2-3044 THROUGH 3046
10. ASA GROUP CONSTRUCTION, INC., 11-R4D3-3157 THROUGH 3159 AND 12-R4D3-0255
11. BDCE CONCRETE CORPORATION, 12-R1D2-0196 THROUGH 0199
12. BP WEST PRODUCTS LLC, 12-R3D5-0089 THROUGH 0091
13. BRAND SCAFFOLD SERVICES, INC., 12-R3D2-0485 THROUGH 0487
14. BRIDGFORD FOODS CORPORATION, 12-R6D2-0688
15. C.A. SCHROEDER INC., DBA CASCO, 12-R6D2-1140 THROUGH 1146
16. CITY OF VALLEJO, 11-R2D2-0732
17. CJI PROCESS SYSTEMS, 11-R6D2-2419 AND 2420
18. CLS LANDSCAPE MANAGEMENT, INC., 12-R3D6-0647
19. C & M FARM LABOR SERVICE, INC., 11-R2D5-0050
20. COCA COLA REFRESHMENTS USA, INC., 12-R1D4-1828
21. COLDPACK, INC., 11-R3D2-2230 THROUGH 2235
22. CONTRA COSTA COMMUNITY COLLEGE DISTRICT DBA DIABLO VALLEY

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COLLEGE, 11-R2D2-2846 THROUGH 2848

23. C PALLETS, 12-R2D5-0638

24. CREATIVE METALS INC., DBA ASHWORTH METAL PRODUCTS,  
11-R6D2-3325 THROUGH 3330

25. CWPNC, INC. DBA COLLEGE WORKS PAINTING 12-R2D2-0348  
THROUGH 0351

26. DAVISON IRON WORKS, INC., 11-R2D1-2023

27. D.F. PEREZ CONSTRUCTION, INC., 11-R4D1-1780 THROUGH 1782

28. DYK INCORPORATED, 11-R3D2-2615 AND 2616

29. EVANS MANUFACTURING INC., 12-R6D2-1760 THROUGH 1765

30. FREMONT UNIFIED SCHOOL DISTRICT, 12-R1D2-1057

31. FRESH & EASY NEIGHBORHOOD MARKET, INC., 12-R6D2-0873

32. GRABBER CONSTRUCTION PRODUCTS, 12-R2D2-0882 AND 0883

33. HEALTH BREADS INC., DBA OASIS BREADS, 11-R6D2-1712 THROUGH 1717

34. HIGHLANDS ENERGY SERVICES, 11-R2D5-0619

35. HUSSMAN CORP., 12-R3D6-0369

36. INTERNATIONAL PAPER COMPANY, 11-R2D5-0260

37. J & B ELECTRONIC DOOR SERVICES, INC., 11-R6D2-1896 AND 1897

38. JESMAR CONSTRUCTION INC., 12-R3D3-0894 AND 0895

39. JORDAN INTERIORS, INC., 11-R3D5-3111

40. KOHL'S, 12-R3D3-0812

41. KRAUSE A.C.T., 11-R6D2-2642 THROUGH 2645

42. KRIEGER SPECIALTY PRODUCTS, 12-R6D2-1038 THROUGH 1043

43. KRIEGER SPECIALTY PRODUCTS, 12-R6D2-1049 THROUGH 1052

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44. LABOR READY SOUTHWEST INC #1564, 11-R3D2-3070
45. MANUEL BROTHERS, INC., 12-R2D2-0519
46. MARQUIS PLASTERING, INC., 11-R3D5-3071
47. MOOREFIELD CONSTRUCTION, INC., 12-R3D5-0147
48. NISHIKAWA PROPERTY MANAGEMENT, 12-R2D5-0054 AND 0055
49. NK TOW INC., DBA BRENTWOOD CLUB SERVICE, 12-R4D1-0139
50. NORTHGATE GONZALEZ LLC DBA NORTHGATE MARKET #28,  
11-R3D2-2410 THROUGH 2413
51. PASSION FRUIT FARMS, 12-R2D5-0811
52. PENNER ENTERPRISES, INC., 10-R2D5-3823 THROUGH 3825
53. P G & E, 11-R1D1-1483
54. PINE MOUNTAIN LAKE ASSOCIATION, 12-R2D4-1419
55. PRIORITY BUSINESS SERVICE, INC., 12-R3D6-0710
56. PROCESS MATERIALS, INC., 12-R1D4-0259 THROUGH 0262
57. PRO-DENTAL, 12-R3D1-1352
58. RUBEN GARCIA PLASTERING, 11-R2D5-2668 THROUGH 2670
59. RADIANT SERVICES CORP., 12-R6D2-0465 THROUGH 0470
60. RELIABLE STEEL BUILDING PRODUCTS, INC., 12-R6D2-0624  
THROUGH 0626
61. SACRAMENTO REGIONAL TRANSIT DISTRICT, 12-R2D1-0517
62. SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY, 11-R1D1-2597  
THROUGH 2601
63. SANTA ANA UNIFIED SCHOOL DISTRICT, 11-R3D1-3146
64. SANTA FE AGGREGATES INC., 11-R5D1-0511
65. SF MUNICIPAL TRANSPORTATION AGENCY, 11-R1D1-2493

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66. MAQ HUSSAIN SHAIKH, BUILDING OWNER, 10-R4D2-1965 AND 1967
67. SHAMES CONSTRUCTION COMPANY, LTD., 11-R3D6-3116 AND 3117
68. S & J SERVICE, 12-R3D6-1815
69. STAMOULES PRODUCE, 12-R2D5-0864 AND 0865
70. STERLING FOODS LLC DBA BUENA VISTA FOOD PRODUCTS,  
11-R6D2-3006 THROUGH 3012
71. SUPERIOR GROCERS, 12-R4D3-0021 AND 0022
72. TANIMURA & ANTLE, INC., 11-R6D1-1556 AND 1557
73. TECHNICOLOR CREATIVE SERVICES USA, INC., 12-R3D6-0611  
THROUGH 0613
74. TELEDYNE REYNOLDS, INC., 12-R4D1-0536 THROUGH 0538
75. TERMINALIFT LLC, 11-R6D2-3127
76. THE USA BOUQUET COMPANY DBA CAL AMERICAS, 12-R3D2-1937
77. BILL AND TRUDIE TRESHLER DBA BILL THRESHLER FARMS,  
12-R2D4-1108
78. TULARE IRON AND METAL INC., 10-R2D5-3203
79. VISIONARY PRODUCTIONS, 11-R6D2-2370
80. WILLIAM CAREY INTERNATIONAL UNIVERSITY, 12-R4D2-0067 AND 0068

**ORDERS DISMISSING APPEALS:**

1. HADDADS CLEANERS LCC DBA FIVE STAR CLEANERS, 09-R2D1-2358
2. SEROB KARAPETYAN ET AL DBA ALL TRUCK PARTS, 11-R6D7-0833
3. LUDIVINA LOPEZ-HERNANDEZ DBA OLIVAS TIRES & WHEELS,  
11-R6D7-1965 AND 1966
4. TT SIGNS, 11-R2D1-3147 THROUGH 3150

**ORDER DENYING LATE APPEAL:**

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1. WORKFORCE OUTSOURCING, INC., 12-R4D2-9114

**ORDER UPON SECOND REMAND:**

1. MILLENIUM GENERATION, INC., 08-R4D3-5047

**MATTERS HELD OVER FROM PREVIOUS MEETINGS:**

**PETITIONS FOR RECONSIDERATION:**

*(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)*

1. AKASH DIRK VON RUEBEN DBA NEW DIMENSIONS, 11-R1D5-2958
2. CLARK PACIFIC PRECAST LLC, DONALD G. CLARK CORP AND ROBERT E. CLARK CORP. DBA CLARK PACIFIC, 09-R2D1-0282 AND 0283
3. CONSTRUCTION EQUIPMENT COMPANY AKA LT FARMS, 11-R3D2-2278
4. WESTECH INDUSTRIES, INC., 08-R2D3-3717

**DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):**

1. BLUE DIAMOND GROWERS, 10-R2D1-1280 AND 1281
2. McDINIS RESTAURANT CORPORATION, 12-R6D5-9092
3. SIERRA FOREST PRODUCTS, 09-R2D5-3979

**MATTERS PENDING RECONSIDERATION:**

*(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)*

1. A-1 PROTECTIVE SERVICES, INC., 10-R1D1-1592
2. ALLIED SALES & DISTRIBUTION, INC., 11-R6D2-0480
3. AC TRANSIT, 08-R1D4-0135
4. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
5. ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655
6. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963

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7. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239 THROUGH 2241
8. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445 AND 3448
9. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
10. CALIFORNIA ERECTORS, INC., 10-R1D2-2772 THROUGH 2775
11. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
12. C & L BLUE, INC., 11-R4D1-2942
13. C & L BLUE, INC., 11-R4D1-2943 THROUGH 2945
14. CENTRAL VALLEY ENGINEERING & ASPHALT, INC., 08-R2D1 5001 AND 5002
15. COFFMAN SPECIALTIES, INC., 10-R3D3-3532
16. COMMERCIAL METAL FORMING, 09-R3D1-1592
17. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
18. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
19. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
20. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
21. DENIO'S ROSEVILLE FARMERS MARKET & AUCTION INC. 11-R2D1-2431
22. DISTRIBUTION CENTER MANAGEMENT GROUP (DCMG), 11-R3D3-2896
23. ECO BAY SERVICES, INC., 10-R1D1-1233 THROUGH 1236
24. EPSILON ELECTRONICS, INC. DBA POWER ACOUSTIK ELECTRONICS, 09-R6D2-2325 THROUGH 2332
25. EZ MIX, INC., 08-R4D3-1898
26. GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3687
27. HOME DEPOT, 10-R3D6-3284

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28. HYDRO-SCIENCE OPERATIONS INC., 10-R1D2-0389
29. IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
30. IRWIN INDUSTRIES, 08-R6D4-1454
31. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
32. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
33. LION RAISINS, INC., 08-R2D5-2253 AND 2254
34. MARINE TERMINALS, 08-R6D2-1920
35. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
36. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
37. ORANGE COUNTY FIRE AUTHORITY, 10-R3D1-3667
38. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
39. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864
40. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
41. POUK & STEINLE, INC., 09-R3D3-0491
42. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
43. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
44. SDCCD – CONTINUING EDUCATION N C CENTER, 11-R3D2-1196
45. SDUSD – PATRICK HENRY HIGH SCHOOL, 11-R3D2-1296 AND 1297
46. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
47. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
48. SMUD, 08-R2D1-4887 THROUGH 4889
49. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418



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- 50. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
- 51. SUNRISE GROWERES FROZ SUN FOODS, 09-R4D3-2850
- 52. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
- 53. A. TEICHERT & SON, INC. DBA TEICHERT CONSTRUCTION, 09-R4D5-0459  
AND 0460
- 54. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 10-R5D1-3029

**LEGISLATION:**

**PENDING LITIGATION:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

- 1. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
- 2. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
- 3. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)
- 4. WPCS INTERNATIONAL SUI SUN CITY, INC., 34-2010-80000430  
(09- 9280/9281)
- 5. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047  
(07-R5D1-3611)
- 6. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP,  
34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
- 7. SMUD, 34-2010-80000723 (08-R2D1-4887)
- 8. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
- 9. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
- 10. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965  
(10-0188~0191)

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11. GUILLAUME GRAPEVINE NURSERY, INC., 34-2011-800001010  
(08-R2D1-3273)
12. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459  
THROUGH 2461)
13. FLATIRON CONSTRUCTION CORP, 34-2012-800001029 (10-R4D1-2789)
14. HOLLANDER HOME FASHION, BS-135444 (10-R4D2-3704)
15. SECA EQUIPMENT REMOVAL & DISMANTLING, INC., 12CV01039  
(07-R2D3-0275)
16. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
17. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
18. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
19. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
20. SHERWOOD MECHANICAL, INC., 37-2012-00101466 (08-R3D2-4690 ~ 4693)
21. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219  
AND 0220)
22. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
23. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258  
(05-R2D4-2650 AND 2651)

**PERSONNEL:** *(Issues regarding staff.)*

Any matter not completed at this Closed Session may be continued to subsequent meetings.